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## OTHER LEGISLATIVE MEETINGS

ITEM-300: ROLL CALL.

Time allotted to each speaker is determined by the Chair, however, comments are limited to no more than three (3) minutes **total per subject** regardless of the number of those wishing to speak. Submit requests to speak to the City Clerk **prior** to the start of the meeting. Pursuant to the Brown Act, no discussion or action, other than a referral, shall be taken by Council on any issue brought forth under “Non-Agenda Public Comment.”

**COUNCIL, CITY ATTORNEY, CITY MANAGER COMMENT**

**REQUEST FOR CONTINUANCE**

The Council will now consider requests to continue specific items.

**=== LEGISLATIVE SCHEDULE ===**

Adoption Agenda, Discussion, Other Legislative Item

- ITEM-330: Approving the City Manager's Recommended Action Plan and Initial Analysis Related to the Recommendations of the Pension Reform Committee.  
CITY MANAGER'S RECOMMENDATION: Adopt the resolution.

Noticed Hearings, Discussion

- ITEM-331: Pegasus. TM No. 11483/PDP No. 11482/CUP No. 96842 amending CUP No. C-13521/RZ No. 11481/EA No. 131936/Public R-O-W Vacation No. 131937/PTS No. 6861. (Mira Mesa Community Plan Area. District-5.)
- Matter of approving, conditionally approving, modifying or denying the applications to subdivide an existing 5.7 acre church facility site and create a 3.2 acre lot with the existing church facility, rezone the property from AR-1-1 to RS-1-14, develop the residual 2.5 acres and rezone from AR-1-1 to RX-1-2 to allow for the subdivision and construction of sixteen single-family residences with lot sizes from 3,032 square feet to 6,026 square feet and home sizes from 2,286 square feet to 2,631 square feet located at 11035 and 11023 Pegasus Avenue between Gemini Avenue and Capricorn Way.
- CITY MANAGER'S RECOMMENDATION: Adopt the resolutions in subitems A and B to grant the permits; adopt the resolutions in subitems C and E; and introduce the ordinance in subitem D.

**=== LEGISLATIVE SCHEDULE (Continued) ===**Noticed Hearings, Discussion (Continued)

ITEM-332: Hillside Drive Residence. Coastal Development Permit No. 125782 and Hillside Review Permit No. 125783 /PTS No. 37375. (La Jolla Community Plan Area. District-1.)

As a property owner, tenant or interested citizen, that the Council of the City of San Diego, California will conduct a public hearing, as part of a scheduled City Council meeting, to either approve or deny, the balance of the project of a previously acted upon permit (CDP/HRP 96-7549), Hillside Drive Residence, Coastal Development Permit and Hillside Review Permit (Old Code). The Owner/Permittee of the property located at 7674 Hillside Drive (Lot 4, La Jolla Hillside, Map No. 8782) filed an application with the City of San Diego for a Coastal Development Permit/Hillside Review Permit (CDP/HRP) to construct a three story, 9,840 square foot, single-family home referred to as the Hillside Residence. The property was zoned R1-40,000 and Hillside Review Overlay Zone at the time of application (current zone RS-1-8), and lies within the La Jolla Community Planning Area. On April 8, 1999, the Planning Commission of the City of San Diego considered CDP/HRP Permit No. 96-7549, and pursuant to Resolution No. 2777-PC voted to approve the project. The decision of the Planning Commission was appealed to the City Council. On June 29, 1999, the City Council conducted a public hearing, and the appeal was continued in part, and denied in part as follows (1) CDP/HRP No. 96-7549 was approved for the construction of an interim access road/driveway to allow further geotechnical testing under the terms and conditions of the permit; and (2) the action of the appeal was continued as it relates to the balance of the project until staff returns with a full geotechnical analysis and recommendation. The applicant has completed the requested information, and is returning to the City Council for their review and decision on this matter.

CITY MANAGER'S RECOMMENDATION: Adopt the resolution in Subitem A to deny the appeal and to grant the permits and adopt the resolution in Subitem B.

=== **LEGISLATIVE SCHEDULE (Continued)** ===

Noticed Hearings, Discussion (Continued)

ITEM-333: Frazee Kurtz Paint and Wallpaper Store, 1045 10<sup>th</sup> Avenue, Appeal of HRB Designation of Site #656. (Centre City Community Plan Area. District-2.)

Matter of the appeal by Robert C. Wright, from the decision of the Historical Resources Board in approving the designation of the Frazee-Kurtz Paint & Wallpaper building, 1045 10<sup>th</sup> Avenue, San Diego.  
CITY MANAGER'S RECOMMENDATION: Adopt the resolution.

ITEM-334: Carnegie Apartment Building, 950 9<sup>th</sup> Avenue, Appeal of HRB Designation of Site #660. (Centre City Community Plan Area. District-2.)

Matter of the appeal by George Daneshgar on behalf of Carnegie Equity L.P., from the decision of the Historical Resources Board in approving the historical site designation of the property situated at 950 Ninth Avenue, San Diego, California 92101, APN 534-323-03 in the City of San Diego.  
CITY MANAGER'S RECOMMENDATION: Adopt the resolution.

Non-Docket Items

Adjournment in Honor of Appropriate Parties

Adjournment

**=== EXPANDED CITY COUNCIL AGENDA ===**

**ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS**

**RESOLUTIONS:**

ITEM-330: Approving the City Manager's Recommended Action Plan and Initial Analysis Related to the Recommendations of the Pension Reform Committee.

(See City Manager Report CMR-04-218.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2005-355 Cor. Copy 2)

Approving the City Manager's recommended action plan and initial analysis related to the recommendations in the Pension Reform Committee's Final Report;

Directing the City Manager to engage an external expert labor advisor to assist City staff in the meet and confer process;

Directing the City Attorney to conduct a legal analysis of certain recommendations of the Pension Reform Committee related to contingent benefits and retiree health care;

Directing the City Manager and City Auditor and Comptroller to identify and bring to City Council within 30 days a recommendation to fund the balance of FY 2005 retiree health care benefits (approximately \$6.5 million total of which \$4.3 million is needed for general fund, \$2.2 million for other governmental funds;

Directing the City Manager to consider the funding of contingent benefits as a high priority in FY 2006 proposed budget;

Directing the City Manager to appoint a committee by October 30, 2004, to review the entire disability retirement system and provide a status report by January 15, 2005.

**ADOPTION AGENDA, DISCUSSION, HEARINGS**

**NOTICED HEARINGS:**

ITEM-331: Pegasus.

Matter of approving, conditionally approving, modifying or denying the applications to subdivide an existing 5.7 acre church facility site and create a 3.2 acre lot with the existing church facility, rezone the property from AR-1-1 to RS-1-14, develop the residual 2.5 acres and rezone from AR-1-1 to RX-1-2 to allow for the subdivision and construction of sixteen single-family residences with lot sizes from 3,032 square feet to 6,026 square feet and home sizes from 2,286 square feet to 2,631 square feet located at 11035 and 11023 Pegasus Avenue between Gemini Avenue and Capricorn Way.

(TM No. 11483/PDP No. 11482/CUP No. 96842 amending CUP No. C-13521/RZ No. 11481/EA No. 131936/Public R-O-W Vacation No. 131937/PTS No. 6861. Mira Mesa Community Plan Area. District-5.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the resolutions in subitems A and B to grant the permits; adopt the resolutions in subitems C and E; and introduce the ordinance in subitem D:

Subitem-A: (R-2005- )

Adoption of a Resolution granting or denying Conditional Use Permit No. 96842, amending Conditional Use Permit No. C-13521, with appropriate findings to support Council action.

Subitem-B: (R-2005- )

Adoption of a Resolution granting or denying Planned Development Permit No. 11482, with appropriate findings to support Council action.

Subitem-C: (R-2005-298)

Adoption of a Resolution adopting findings with respect to Tentative Map No. 11483;

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-331: (Continued)

Subitem-C: (Continued)

That pursuant to California Government Code section 66434(g), portions of slope easement, drainage easement, and unnamed street for pedestrian bridge, located within the project boundaries as shown in Tentative Map No. 11483, shall be partially vacated, contingent upon the recordation of the approved final map for the project;

That the recommendation of the Planning Commission is sustained, and Tentative Map No. 11483 is granted to Dano Pegasus, L.L.C., Applicant/Subdivider and Hunsaker & Associates, Inc., Engineer, subject to the attached conditions which are made a part of this resolution.

Subitem-D: (O-2005-40)

Introduction of an Ordinance changing 5.0 acres, located in Section 30, T14S, R2W, in the Mira Mesa Community Plan Area, in the city of San Diego, California, from the AR-1-1 Zone (previously referred to as the A-1-10 Zone) into the RS-1-14 and RX-1-2 Zones, as defined by San Diego Municipal Code Sections 131.0403 and 131.0404; and repealing Ordinance No. 10936 (New Series), adopted November 4, 1972, of the Ordinances of the City of San Diego insofar as the same conflicts herewith.

Subitem-E: (R-2005-299)

Adoption of a Resolution certifying that the information contained in Environmental Mitigated Negative Declaration LDR No. 6861, has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code section 21000 et seq.), as amended, and the State guidelines thereto (California Code of Regulations section 15000 et seq.), that the declaration reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in the report, together with any comments received during the public review process, has been reviewed and considered by this Council in connection with the approval of Pegasus, Project No. 6861;



ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-331: (Continued)

Subitem-E: (Continued)

That the City Council finds that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study and therefore, that the Mitigated Negative Declaration, a copy of which is on file in the office of the City Clerk and incorporated by reference, is approved;

That pursuant to California Public Resources Code section 21081.6, the City Council adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the project as required by this body in order to mitigate or avoid significant effects on the environment, a copy of which is attached hereto, as Exhibit A, and incorporated herein by reference;

That the City Clerk is directed to file a Notice of Determination [NOD] with the Clerk of the Board of Supervisors for the County of San Diego regarding the above project.

**OTHER RECOMMENDATIONS:**

Planning Commission on August 12, 2004, voted 6 – 0 to approve; no opposition.

Ayes: Steele, Garcia, Lettieri, Chase, Ontai, Otsuji.

Not present: Schultz

The Mira Mesa Community Planning Group has recommended approval of the project.

**SUPPORTING INFORMATION:**

The Pegasus project proposes a Tentative Map, Rezone, Planned Development Permit, and Conditional Use Permit, Drainage Easement Abandonment, Slope Easement Abandonment, and partial Street Easement Vacation that would allow the creation of two individual lots from one existing 5.7-acre lot currently developed with a church and various structures. The existing church facility would continue to occupy approximately 3.2 acres and would be rezoned from AR-1-1 to RS-1-14. The remaining 2.5 acres would be rezoned from AR-1-1 to RX-1-2 in order to allow for the subdivision and construction of sixteen single-family residences with net lot sizes ranging from 3,032 square feet to 6,026 square feet.

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-331: (Continued)

**SUPPORTING INFORMATION:** (Continued)

The sixteen two-story single-family homes would range in size from 2,286 square feet to 2,631 square feet.

Planning Commission Recommendation: On August 12, 2004, the Planning Commission voted 6 – 0 to recommend approval of the project as presented in the Planning Commission Report No. PC-04-139.

Community Planning Group Recommendation: On May 17, 2004, the Mira Mesa Community Planning Board voted 17-0 to recommend approval of the project with conditions as presented in the Planning Commission Report No. PC-04-139.

Manager's Recommendation: Certify Mitigated Negative Declaration No. 6861. Approve Conditional Use Permit 96842, Planned Development Permit 11482, Tentative Map 11483, Rezone, Easement Abandonment, and Public Right of Way Vacation.

Water Quality Impact Statement: During construction, this project will comply with Best Management Practices (BMPs) through preparation of a Storm Water Pollution Prevention Plan (SWPPP) in conjunction with the grading plans. The SWPPP will identify all BMPs to be implemented during the construction phase to reduce/eliminate discharges of pollutants into the adjacent areas. The post-construction BMPs detailed in the Water Quality Technical Report have been evaluated and accepted by the City Engineer. The property owner(s) will be responsible for the long term maintenance of all private drainage facilities.

**FISCAL IMPACT:** All costs associated with the project are recovered from a deposit provided by the applicant.

Loveland/Halbert/TPD

**LEGAL DESCRIPTION:**

The project site is located within the Mira Mesa Community planning area and is more particularly described as a Portion of Section 30, T14S, R2W and Lots 1834 through 1839, Larwin Mesa View No. 17, Map No. 7094, City and County of San Diego.

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

## NOTICED HEARINGS: (Continued)

## ITEM-332: Hillside Drive Residence.

(Continued from the meeting of September 21, 2004, Item 333, at Councilmember Frye's request, due to lack of time).

As a property owner, tenant or interested citizen, that the Council of the City of San Diego, California will conduct a public hearing, as part of a scheduled City Council meeting, to either approve or deny, the balance of the project of a previously acted upon permit (CDP/HRP 96-7549), Hillside Drive Residence, Coastal Development Permit and Hillside Review Permit (Old Code). The Owner/Permittee of the property located at 7674 Hillside Drive (Lot 4, La Jolla Hillside, Map No. 8782) filed an application with the City of San Diego for a Coastal Development Permit/Hillside Review Permit (CDP/HRP) to construct a three story, 9,840 square foot, single-family home referred to as the Hillside Residence. The property was zoned R1-40,000 and Hillside Review Overlay Zone at the time of application (current zone RS-1-8), and lies within the La Jolla Community Planning Area. On April 8, 1999, the Planning Commission of the City of San Diego considered CDP/HRP Permit No. 96-7549, and pursuant to Resolution No. 2777-PC voted to approve the project. The decision of the Planning Commission was appealed to the City Council. On June 29, 1999, the City Council conducted a public hearing, and the appeal was continued in part, and denied in part as follows (1) CDP/HRP No. 96-7549 was approved for the construction of an interim access road/driveway to allow further geotechnical testing under the terms and conditions of the permit; and (2) the action of the appeal was continued as it relates to the balance of the project until staff returns with a full geotechnical analysis and recommendation. The applicant has completed the requested information, and is returning to the City Council for their review and decision on this matter.

(See City Manager Report CMR-04-205. Coastal Development Permit No. 125782 and Hillside Review Permit No. 125783 /PTS No. 37375. La Jolla Community Plan Area. District-1.)

**NOTE:** Hearing open. No public testimony taken on 9/21/2004.

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-332: (Continued)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the resolution in Subitem A to deny the appeal and to grant the permits and adopt the resolution in Subitem B:

Subitem-A: (R-2005- )

Adoption of a Resolution granting or denying the appeal and granting or denying the Coastal Development Permit No. 125782 and Hillside Review Permit No. 125783, with appropriate findings to support the Council action.

Subitem-B: (R-2005-286)

Adoption of a Resolution stating for the record that the Mitigated Negative Declaration, LDR-96-7549, dated January 23, 1999, has been reviewed and considered prior to approving the project;

That the City Clerk is directed to file a Notice of Determination (NOD) with the Clerk of the Board of Supervisor for the County of San Diego regarding the above project.

**OTHER RECOMMENDATIONS:**

On April 8, 1999, the Planning Commission denied an appeal and approved the subject project by a vote of 6 to 0, with one additional condition. A condition requiring the applicant to enter into a Hold Harmless Agreement with the City was added to permit due to potential geologic hazards of the site.

Ayes: Anderson, Butler, Skorepa, Stryker, Watson, White.  
Not present: Steele

The La Jolla Community Planning Association voted 10-0-0 to recommend approval of the proposed project at their meeting of July 10, 1997. The project site is located at 7674 Hillside Drive in the R1-40,000 for the main portion of the lot and R1-8,000 for the narrow access portion, and Hillside Review Overlay Zone, within the La Jolla Community Plan area. The project side is legally described as Lot 4, La Jolla Hillside, Map No. 8782.

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-332: (Continued)

**OTHER RECOMMENDATIONS:** (Continued)

This project proposes a three-story, 9,840 square foot single family residence with an attached garage and patio/pool all designed to comply with the R1-40,000 Zone development regulations. The proposed structure utilizes an embedded design, which fits the structure into the natural topography and minimizes the amount of grading outside the building footprint consistent with the recommend design methods from the Hillside Review Design Guidelines. The constraints of the property were analyzed through a slope analysis along with information regarding the geologic hazards, fire hazards, and sensitive biological resources were plotted on the project site. The proposed location of the residence was determined to be the most developable portion of the property, based on all the analyzed constraints. Access to the site will be provided by a 16 foot wide shared driveway, in conformance with the previously approved HRP No. 126. The proposed driveway has been approved by the City's Fire and Engineering Sections of Development Services, subject to the permit conditions.

On February 17, 1999, the Hearing Officer approved the proposed project at a public hearing, with conditions and findings to support the project.

**FISCAL IMPACT:**

All costs associated with the processing of this project are paid from a deposit account maintained by the applicant.

Loveland/Halbert/GRG

**LEGAL DESCRIPTION:**

The total lot area is 167,227 square feet (3.84 acres) and is zoned R1-8000 ("panhandled portion only) and R1-4000, Hillside Review Overlay Zone. The project site is located at 7674 Hillside Drive in the La Jolla Community (Lot 4, La Jolla Hillside, Map 8782).

**NOTE:** The City of San Diego as Lead Agency under CEQA has reviewed and considered a Mitigated Negative Declaration, LDR File No. 96-7549, dated January 23, 1999, covering this activity. Adopted June 29, 1999, by Resolution No. R-291885.

**ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)**

**NOTICED HEARINGS: (Continued)**

ITEM-333: Frazee Kurtz Paint and Wallpaper Store, 1045 10<sup>th</sup> Avenue, Appeal of HRB Designation of Site #656.

Matter of the appeal by Robert C. Wright, from the decision of the Historical Resources Board in approving the designation of the Frazee-Kurtz Paint & Wallpaper building, 1045 10<sup>th</sup> Avenue, San Diego.

(See City Manager Report CMR-04-210. Centre City Community Plan Area. District-2.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2005-342)

A Resolution of the Council of the City of San Diego upholding the Historical Designation of the Frazee-Kurtz Paint and Wallpaper.

**OTHER RECOMMENDATIONS:**

Historical Resources Board on March 25, 2004, voted 11-1-1 to designate the Apartments based on HRB CRETERION C.

Ayes: Ahern, Burnett, Chuang, Delawie, Emme, Lynch, Malone, Marsh, McNeely, Sewell, Silvas.

Nays: Schwartz

Abstaining: Schaefer

**SUPPORTING INFORMATION:**

**BACKGROUND**

This item is before the City Council as an appeal of the Historical Resources Board (HRB) decision of March 25, 2004, to designate the Frazee-Kurtz Paint and Wallpaper Building as a City of San Diego Historical Resource Site. The HRB voted 11-1-1 to designate the apartments based on HRB CRETERION C (Architecture).

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-333: (Continued)

**SUPPORTING INFORMATION:** (Continued)

An appeal of the designation was submitted on March 30, 2004, by Robert Wright, Esq., on behalf of UNIVENTURES GROUP, INC. The property is located at 1045 Tenth Avenue in the Centre City Community, Council District 2.

**FISCAL IMPACT:**

None.

Loveland/Goldberg/DK

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-334: Carnegie Apartment Building, 950 9<sup>th</sup> Avenue, Appeal of HRB Designation of Site #660.

Matter of the appeal by George Daneshgar on behalf of Carnegie Equity L.P., from the decision of the Historical Resources Board in approving the historical site designation of the property situated at 950 Ninth Avenue, San Diego, California 92101, APN 534-323-03 in the City of San Diego.

(See City Manager Report CMR-04-209. Centre City Community Plan Area. District-2.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2005-343)

A Resolution of the Council of the City of San Diego upholding the historical designation of the Carnegie Apartments.

**OTHER RECOMMENDATIONS:**

Historical Resources Board on April 22, 2004, voted 11-0-0 to designate the Carnegie Apartments under HRB CRITERIA C (Architecture) and CRITERION D (Master Architect).

Ayes: Ahern, Burnett, Chuang, Delawie, Emme, Malone, Marshall, Schaeffer, Schwartz, Sewell, Silvas.

**CITY MANAGER SUPPORTING INFORMATION:**

**BACKGROUND**

This item is before the City Council as an appeal of the Historical Resources Board (HRB) decision of April 22, 2004, to designate the Carnegie Apartments as a City of San Diego Historical Resource Site.



ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-334: (Continued)

**CITY MANAGER SUPPORTING INFORMATION:** (Continued)

The HRB voted 11-0-0 to designate the apartments based on HRB CRITERION C (Architecture) as a good example of Modified Renaissance Revival Style, and CRITERION D (Master Architect), as a good example of the work of noted San Diego Architects Charles W. and Edward Quayle. An appeal of the designation was submitted on April 28, 2004, by George Daneshgar on behalf of the owners, Carnegie Equity L.P. The property is located at 950 Ninth Avenue in the Centre City Community, Council District 2.

Loveland/Goldberg/DK

**LEGAL DESCRIPTION:**

The subject property is located at 950 9<sup>th</sup> Avenue, APN: 534-323-03, and is more particularly described as Horton's Addition, Lots J and K, Block 48, in the City of San Diego, County of San Diego, State of California.

**NOTE:**

This activity is not a "project" and therefore exempt from CEQA pursuant to the State Guidelines Section 15060(c)(3).

NON-DOCKET ITEMS

ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES

ADJOURNMENT